



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/951,635	10/17/1997	MANABU KATO	35.C11250CON	1809
5514 7590 02/13/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER PHAN, JAMES	
			ART UNIT 2872	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

08/951,635

Applicant(s)

KATO, MANABU

Examiner

James Phan

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 61-115 is/are pending in the application.
- 4a) Of the above claim(s) 98-115 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 79-97 is/are allowed.
- 6) ☒ Claim(s) 61-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to applicant's arguments

The response filed 09/07/06 and the declaration under 37 C.F.R. 1.132 have been fully considered. Because none of the embodiments of Takada et al teaches the curvature in the main scanning direction on one side of the optical axis is not the same as that on the other side of the optical axis, and the curvature in the sub-scanning direction on one side of the optical axis is not the same as that on the other side of the optical axis, the examiner agrees that the phrase "with respect to the optical axis" recited in claims refers to rotational asymmetry.

Claim Rejections - 35 USC § 112

The rejection of claims 61-78 under 35 U.S.C. 112, second paragraph, made in the Office action mailed 3/7/06 is repeated for the following reason.

In the response filed 9/7/06 applicant states that "contrary to the assertion in the Official Action, shapes on lines which are perpendicular to each other can exhibit rotational symmetry, with respect to each other with respect to the optical axis." The examiner disagrees. In the rejection of claims 61-78 under 35 U.S.C. 112, second paragraph, the examiner stated "The feature, "wherein the curvatures in the main and sub-scanning directions are non-symmetrical with each other with respect to the optical axis", recited in claims 61-63, 70 and 73, lines 6-7, is not clear because the curvature in the main scanning direction lies on a first plane containing the optical axis, and the curvature in the sub-scanning direction lies on a second plane, perpendicular to the first plane, containing the optical axis; how can they are non-symmetrical with each other

respect to the optical axis?". This statement merely raised the issue of confusion caused by the cited feature. For an illustration of the confusion, assuming a lens has a surface having an upper curvature (R_{um}) in the main scanning direction positioned above the lens's optical axis, a center curvature (R_{0m}) in the main scanning direction crossed the optical axis, a lower curvature (R_{lm}) in the main scanning direction positioned below the optical axis, a left curvature (R_{ls}) in the sub-scanning direction positioned on the left of and at a distance from the optical axis, a center curvature (R_{0s}) in the sub-scanning direction crossed the optical axis, and a right curvature (R_{rs}) in the sub-scanning direction positioned on the right of and at a distance from the optical axis (see attached drawing). The cited feature is confusing because it is not clear whether the upper curvature (R_{um}), the center curvature (R_{0m}) or the lower curvature (R_{lm}), in the main scanning direction is non-symmetrical with the left curvature (R_{ls}), the center curvature (R_{0s}) or the right curvature (R_{rs}), in the sub-scanning direction.

Allowable Subject Matter

Claims 79-97 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

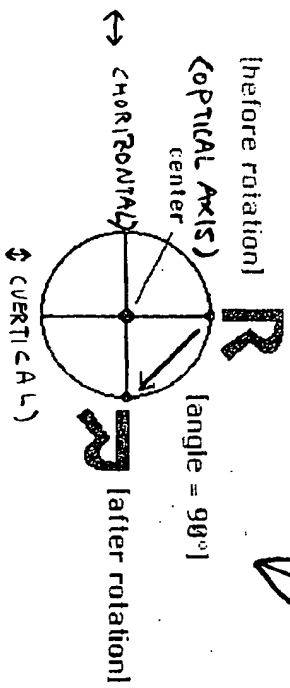
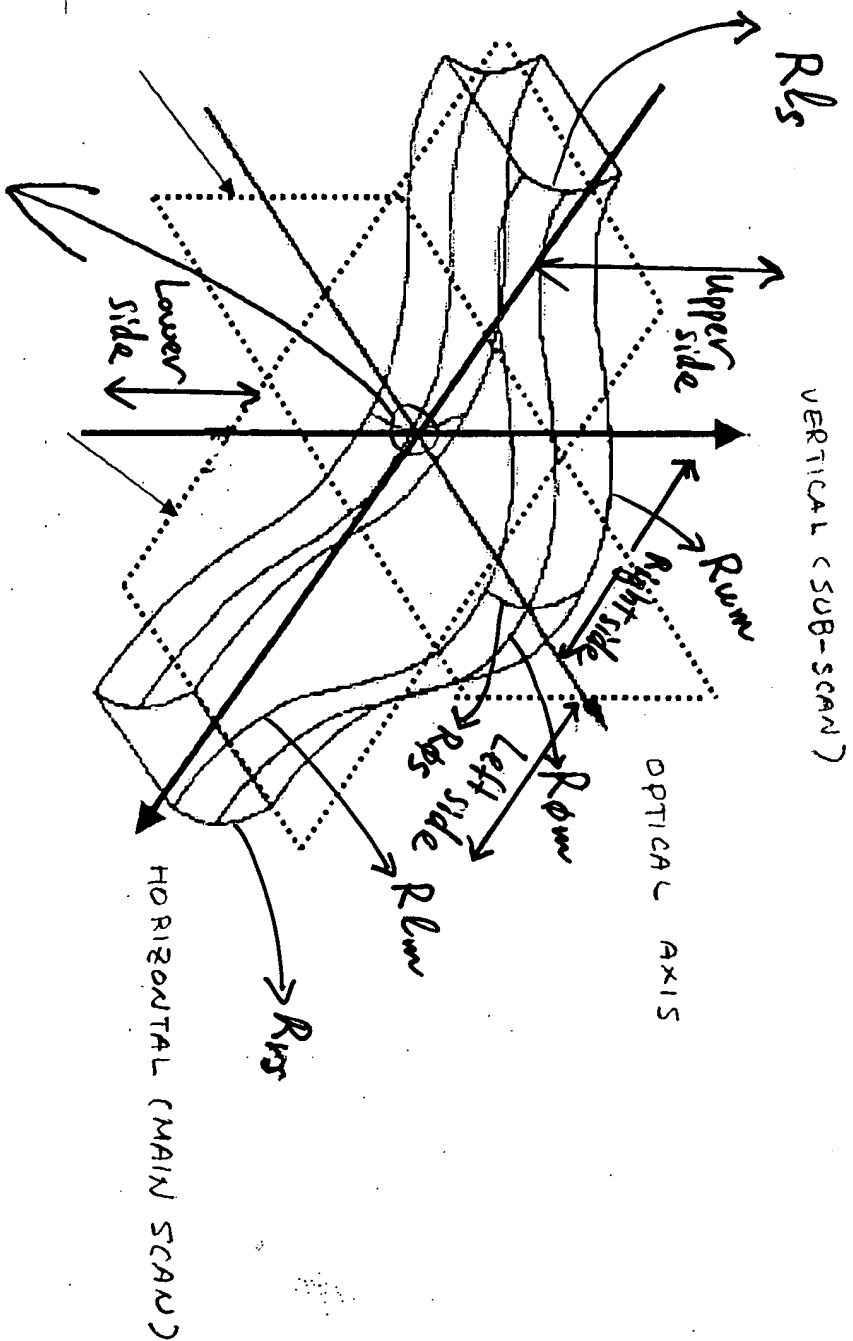
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (571) 272-2317. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen B. Stephone can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


James Phan
Primary Examiner
Art Unit 2872



SKETCH "A"

CFE3135US